



Montana Office of Public Instruction

Supplemental Education Services Withdrawal of Provider Approval

Supplemental Educational Service (SES) providers are required to demonstrate student progress, implement assurances and the program described in the approved application. The provider must also comply with the No Child Left Behind Act of 2001, (NCLB) Title I Part A regulations and Montana law to be included, and to continue, on the Montana Approved Provider List. <http://www2.ed.gov/policy/elsec/guid/suppsvcsguid.doc> If an Approved Provider fails to demonstrate student progress, implement assurances and the approved program, or if it is in violation of law, rules and/or regulations, the Montana Office of Public Instruction (OPI) will withdraw approval and remove the approved provider from the Approved Provider List. This document describes the reasons and process for the withdrawal of approval from the Approved Provider List.

Withdrawing Approval of a Supplemental Educational Service Provider for Failure to Make Academic Progress

An approved SES provider must demonstrate that the students they serve show measurable gains in academic achievement as a result of the services provided. NCLB requires Approved Providers whose served students do not show measurable academic achievement for two consecutive years be removed from the state Approved Provider List. A Montana approved provider must demonstrate that 80 percent of the students served under NCLB have met the academic achievement goals set forth in the agreement with the district, parent and provider. Eighty percent of the students served by a provider must meet academic goals for two consecutive years, or the OPI must withdraw approval from the provider and remove it from the Montana Approved Provider List.

The OPI will take the following steps in withdrawing approval from an Approved Provider for failure to demonstrate student academic achievement:

1. Districts submit completed monitoring tools to the OPI no later than June 15, 2012.
2. The OPI will review monitoring results by June 29, 2012, to determine whether 80 percent of students met contracted academic goals aligned with Montana Content Standards.
3. Providers will be notified by July 6, 2012 (with the opportunity to submit additional data by July 13) if:
 - a. less than 80 percent of students did not meet their individual academic goals; or
 - b. goals are not aligned with the Montana Content Standards.
4. The OPI will make the decision to remove a provider from the Approved Provider List by July 27, 2012, and notify the provider.
5. Providers removed from the Approved Provider List may reapply when they are able to demonstrate and provide evidence that:

April 2012

- a. for two consecutive years 80 percent of students who were provided their services in another state met the academic goals in reading and/or math; and
 - b. the program goals are aligned with the Montana Content Standards.
6. The OPI approval committee will then consider the application for approval.

Montana Supplemental Educational Services Withdrawal of Provider Approval for Failure to Implement Assurances

In the event that district monitoring documentation (including any monitoring reports) submitted to the OPI indicate that any of the assurances have not been met by the provider, the OPI will notify the district and provider within 30 days of the submission of the district monitoring report. The OPI will investigate the documented non-compliance within 30 days of this notification. The provider will be afforded an opportunity to submit documented evidence of compliance during the investigation. On a case-by-case basis, the OPI will consider plans submitted by the provider to come into compliance. If no evidence is presented to document compliance, or if a negotiated corrective action is not completed, the OPI approval will be withdrawn from the provider. The provider may reapply two years from approval withdrawal.

Withdrawal of Approval Resulting from a Complaint

Anyone may file a complaint alleging non-compliance of a district SES program or SES provider programs/practices, using the complaint procedure found on the OPI website. If non-compliance is found, the OPI SES coordinator's written decision will include any necessary corrective action to be undertaken, as well as any documentation to be supplied, to ensure that the corrective action has occurred. If a provider is determined to be out of compliance with NCLB Title I Part A section 1116, at the discretion of the OPI SES coordinator, the provider may be suspended from providing services until corrective action has occurred, or the provider may be permanently removed from the Montana Approved Provider List. If a district is found to be non-compliant, the OPI SES coordinator, in consultation with the district, will determine corrective action.

Withdrawal at the Discretion of the OPI

If the actions of an SES provider, their employees or practices may be deemed criminal activity, dangerous to students, or in disregard for student safety, the OPI may temporarily or permanently withdraw approval immediately, pending an investigation.

The OPI may also remove providers from the Approved Provider List for false or misleading advertising, or bulk, unsolicited letters or emails to districts, schools and teachers. (This does not prohibit approved providers from furnishing appropriate informational materials to districts, schools, teachers, and parents.) Providers removed from the List of Approved Providers for any of the above reasons will not be allowed to reapply for two years.

April 2012

Approved Providers who have not served any students for three or more consecutive years will also be removed from the Approved Provider List. Providers removed for this reason may reapply during the open application window. This new application will go through the same rigorous screening process as new applicants, and it may or may not be approved for inclusion on the Montana Approved Provider List.

REFERENCE:

Title IA Sec. 1116 (e) (4) STATE EDUCATIONAL AGENCY RESPONSIBILITIES– A State educational agency shall--

(D) Develop, implement, and publicly report on standards and techniques for monitoring the quality and effectiveness of the services offered by approved providers under this subsection, and for withdrawing approval from providers that fail, for 2 consecutive years, to contribute to increasing the academic proficiency of students served under this subsection as described in subparagraph (B)

USDE Non regulatory Guidance Supplemental Education Services

D-4. How may an SEA terminate approval of a provider that is not meeting the statutory requirement to increase students' academic achievement?

An SEA must use a consistent policy for withdrawing supplemental educational service providers from the State-approved list. The statute requires an SEA to remove from the approved list any provider that fails, for two consecutive years, to contribute to increased student proficiency relative to State academic content and achievement standards *[Section 1116(e)(4)(D)]*.

April 2012